



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

Subject	RESIDENTIAL AND COMMERCIAL RECYCLING	Number	109-92AM
Originating Department	DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date	January 13, 1994

Montgomery County regulation on:

SOLID WASTE AND RECYCLING
DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGULATION

Issued by: County Executive
Regulation No. 109-92AM
COMCOR, Title ____, Chapter ____

Authority: Montgomery County Code, 1984, Sections: 48-24, 48-51 and 2A-14
Supersedes: Emergency Regulation 109-92E
Council Review: Method (1) under Code Section 2A-15
Register Vol.10 No.1


Effective Date: January 13, 1994
Sunset Date: None

Summary:

The proposed regulation describes the residential recycling requirements for single-family and multi-family dwellings (including reporting requirements for multi-family property owners) and nonresidential recycling and reporting requirements.

Comment deadline:
Effective date:
Sunset date:

Address for comments: Director, Department of Environmental Protection
Executive Office Building
Sixth Floor
101 Monroe Street
Rockville, Maryland 20850

Staff contact: Elizabeth Feinberg, commercial regulations
Montgomery County Department of Environmental
Protection 
217-2380



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Darlene Flynn, multi-family regulations
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Protection
217-2380

Esther Bowring, residential single-family regulations
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Background Information: Bill 54-88, Solid Waste - Recycling, was enacted on August 1, 1989, with an effective date of November 6, 1989. The County Comprehensive Solid Waste Management Plan was amended by Council Resolutions 11-382 and 11-2132 dated July 7, 1987, and July 5, 1990, respectively, and 12-945 dated December 8, 1992. These regulations are to further implement the provisions of Bill 54-88 and the Solid Waste Management Plan.



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EXECUTIVE REGULATIONS FOR RESIDENTIAL AND COMMERCIAL RECYCLING

Section 1. Definitions. The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

- (a) **"Business"** means any enterprise, individual, corporation, partnership (limited or general) or other entity or person which maintains an office or place of business in the County, including institutions, health care facilities, the Federal Government and other government agencies, to the extent authorized by law.
- (b) **"Generator"** means, for purpose of this regulation only, a person or entity, who having used a product, has it removed by a hauler or collector for recycling or permanent disposal.
- (c) **"Household hazardous waste"** means solid waste that 1) falls within the hazardous waste exclusion in 40 CFR 261.4(b) but which exhibits a characteristic described in 40 CFR 261.20-261.24; or 2) is listed in 40 CFR subpart D. A copy of these regulations is attached.
- (d) **"Market"** means any person who receives processed or unprocessed source separated or commingled recyclable solid waste and utilizes the material as a finished product or as a raw material for a manufacturing process.
- (e) **"Recycling"** means any process by which materials are diverted from a disposal facility and are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (f) **"Recycling plan"** means a plan describing a program for source reduction and recycling.
- (g) **"Source separation"** means the sorting by the generator of solid waste by material type for the purposes of collection, reuse, recycling or disposal.

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(h) **"Waste reduction /source reduction"** means programs for the reduction of the amount or toxicity of waste including, but not limited to, the design, manufacture, purchase and use of materials or products (including packaging) in ways that reduce their amount or toxicity before they enter the solid waste stream for disposal; it is based on the premise that it makes more sense to prevent waste than to manage it. Waste reduction activities include, but are not limited to: reusing a product or package in its original form; increasing the life-span of a product or package; reducing or eliminating the amount of toxicity of the material used and ultimately disposed; or changing purchasing, management, consumption, or waste generation practices to lower the amount or toxicity of waste generated.

(i) **"Yard waste"** means leaves, grass, garden trimmings and brush 4 inches or less in diameter.

Section 2. Solid Waste Reduction and Recycling Program.

(a) **Single-family residential recycling program, dwellings having 6 or fewer units.**

(1) Recycling services areas.

(A) The entire County is a recycling service area for the curbside collection of newspapers; glass containers; aluminum and bi-metal cans; certain plastic containers; Christmas trees; and yard waste from dwellings consisting of 6 or fewer units.

(B) Recycling service subareas are designated on a map dated December 1992, maintained by the Department and available upon request. All residents of dwellings having 6 or fewer units must recycle in accordance with these regulations, Chapter 48 of the Montgomery County Code 1984, as amended, and the schedule for their recycling service subarea depicted in Attachment 2.

(2) Exemptions.

(A) The Director may grant temporary or permanent exemptions from participating in the recycling program



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to individuals who are physically impaired and who are not reasonably able to undertake the activities required by this regulation.

- (B) The Director may grant a temporary partial exemption due to unavailability of markets for a particular recyclable material.

(3) Preparation of material for recycling.

- (A) Newspapers. Newspapers must be separated from other solid waste and placed either in paper bags or tied with string strong enough to support the weight of the bundle and prevent dispersion. The total weight of each bag or bundle must not exceed 35 pounds. Newspapers contaminated by garbage or other putrescible material must not be included for recycling.
- (B) Containers. All containers to be recycled must be separated from other solid waste and placed in a County approved receptacle. Lids, tops, and any loose food or liquid must be removed. Glass containers which have been broken into small pieces must not be included for recycling.
- (C) Yard waste. Grass and leaves must be placed in County approved containers. Brush, not exceeding 4 inches in diameter and 4 feet in length, must be tied in bundles no greater than 30 inches in diameter. Christmas trees must have all ornaments and metal objects removed.

(4) Collection requirements.

- (A) Location. Materials to be recycled must be placed by the curb or publicly maintained right-of-way closest to the dwelling. Materials must not be placed in a manner that interferes with parking or vehicular and pedestrian traffic.
- (B) Alternate location. Residents for whom placement in accordance with paragraph (A) would be a hardship may apply to the Director for permission to use an

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alternate location. The Director may set a time limit on any permission granted. The recycling container must be identified with a sticker, provided by the Director, that is visible from the publicly maintained right-of-way.

(C) Time limit. Materials prepared for recycling must be set out for collection no earlier than the evening before the designated day of collection. Recycling containers must be removed from the collection location no later than the evening of the day after the scheduled collection day.

(D) Litter. Residents are responsible for keeping area litter free.

(b) **Multi-family residential recycling program, dwellings having more than 6 units.**

(1) Applicability. This section is applicable to all property owners, property managers, whether individuals or an entity, and common ownership associations, including boards of condominium associations and cooperative housing projects (as those terms are defined in state law) of multi-family dwelling units that have more than 6 units. This section is not applicable to facilities receiving curbside collection as described in (a) or to businesses covered under (c).

(2) Exemptions.

(A) Who may apply. Persons or entities for whom compliance with subsection (b) would be an unreasonable hardship may apply to the Director for a temporary or permanent exemption.

(B) Limits of exemption. The exemption must specify which materials are exempt from these regulations and the duration of the exemption.

(C) Criteria for granting exemption. The Director must consider the following criteria in granting an exemption:

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1. Extreme financial hardship due to increased cost of providing an on-site recycling program.
 2. Unavailability of an on-site or proximate off-site location to prepare and store materials for recycling.
 3. Unavailability of markets for a particular recyclable material.
- (3) Schedule. The schedule for compliance with the requirements of this section is as shown in Attachment 3.
- (4) Materials suitable for recycling. Materials which are required to be recycled include: newspaper, aluminum and bi-metal cans, green, clear and amber glass containers, HDPE and PET plastic containers, Christmas trees and yard waste. Persons or entities covered by this section are encouraged to recycle any other materials for which there is a viable market.
- (5) Plan and report requirements.
- (A) Designation of responsible agent. All persons or entities subject to this section must designate an agent responsible for carrying out the plan and report requirements of this section. In the case of multi-family dwelling units covered by a common ownership association, the association representative, as listed in the Office of Common Ownership Properties, is responsible. In the case of leased units or facilities, the property owner or representative, as listed with the Montgomery County Office of Landlord and Tenant Affairs or as confirmed through other sources, is responsible.
- (B) Waste reduction and recycling plan.
1. Who must submit. Multi-family dwellings having 101 or more units must submit a waste reduction and recycling plan in accordance with the schedule depicted in Attachment 3.